UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE:	
JEFFREY DANIEL WISMER, Debtor.	Case No. 14-11207-BFK
	Chapter 7
CHRISTOPHER ARNTZEN, Plaintiff, -against-	ADVERSARY COMPLAINT
JEFFREY DANIEL WISMER, Defendant.	Adv. Proc. No. ________________

CHRISTOPHER ARNTZEN'S COMPLAINT FOR NON-DISCHARGABILITY OF DEBT PURSUANT TO 11 U.S.C. § 523(a)(6)

COMES NOW Plaintiff, Christopher Arntzen, by counsel, hereby asserts as follows for his Complaint for Non-Dischargeability of Debt Pursuant to 11 U.S.C. § 523(a)(6) (the "Complaint") against Defendant Jeffrey Wismer. (the "Debtor").

JURISDICTION AND VENUE

1. This Honorable Court has jurisdiction over this matter pursuant to 28 U.S.C. § 157(a) and (b)(2)(I) and (J), and 28 U.S.C. § 1334(a).

2. Venue is proper before this Honorable Court pursuant to 28 U.S.C. §§ 1408 and 1409.

3. This action is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I) and (J).

4. The statutory predicates for the relief sought in this Complaint are 11 U.S.C. §§

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523(a)(6).

5. This is a complaint pursuant to 11 U.S.C. § 523 to determine the dischargeability of a debt owed by the Debtor to Plaintiff.

GENERAL ALLEGATIONS

6. Plaintiff, Christopher Arntzen, is a resident of the District of Columbia.

7. The Debtor is a resident of the Commonwealth of Virginia.

8. On October 12, 2012, Plaintiff, jointly, filed a suit alleging Computer Harassment, pursuant to Virginia Code §18.2-152.1 et seq., Defamation, and Stalking against the Debtor in the Fairfax Circuit Court (Circuit Court Case No.: CL12-09756). The factual allegations of Plaintiff's claim are set forth in the First Amended Complaint, which is attached hereto and incorporated herein as if set out in full as Exhibit "A".

9. Plaintiff's action was tried before a jury and as to Count I - Computer Harassment, upon full consideration of Jury Instructions Nos. 6A, 9, 12A, and 25, the jury found for Plaintiff and assessed compensatory damages at $17,500, and punitive damages in the amount of $50,000. The Verdict Form is attached hereto as Exhibit "B", and Jury Instructions Nos. 6A, 9, 12A, and 25 are attached hereto as Exhibit "C", Exhibit "D", Exhibit "E", and Exhibit "F", respectively.

10. In awarding punitive damages for Count I - Computer Harassment, the jury fully considered and found that the Debtor acted with actual malice toward Plaintiff or acted under circumstances amounting to a willful and wanton disregard of the plaintiff's rights. *See* Exhibit "E".

11. As to Count II - Defamation, upon full consideration of the Jury Instructions Nos. 10A, 11, 12, and 25, the jury found for Plaintiff and assessed compensatory damages at $17,500, and punitive damages in the amount of $100,000. *See* Exhibit "B", and Jury Instructions 10A, 11,

12, and 25 which are attached hereto as Exhibit "G", Exhibit "H", Exhibit "I", and Exhibit "F", respectively.

12. In awarding punitive damages for Defamation, the jury fully considered and found that the Debtor made the statements knowing they were false or made them so recklessly as to amount to a willful disregard for the truth. *See* Exhibit "I".

13. Accordingly, on June 21, 2013, the Fairfax Circuit Court entered a Final Order in favor of the Plaintiff against the Debtor, on Count I - Computer Harassment, in the sum of $17,500 in compensatory damages and $50,000 in punitive damages; and on Count II - Defamation, in the amount of $17,500 and $100,000 in punitive damages. The total judgment amount is $185,000. *See* Exhibit "J".

14. On April 2, 2014 (the "Petition Date"), the Debtor filed a voluntary petition under chapter 7 of Title 11 of the United States Code (the "Bankruptcy Code").

CLAIM FOR RELIEF

(Willful and Malicious Injury Pursuant to 11 U.S.C. § 523(a)(6))

15. Plaintiff restates and re-alleges all the foregoing as if set forth in full.

16. The Debtor has failed to make any payments toward partial satisfaction of the judgment amount owed.

17. The Debtor intentionally and deliberately committed Computer Harassment and Defamation against Plaintiff. This conduct constitutes willful and malicious injury to Plaintiff.

18. Moreover, the Jury fully considered and found that the Debtor acted with willful and malicious disregard against Plaintiff. *See* Exhibit "E" and Exhibit "I".

19. The Debtor's actions were taken with malice and with the specific intent to do harm to Plaintiff.

20. As a result of Debtor's willful and malicious conduct, Plaintiff has been harmed including insult, mental suffering, being placed in fear, anxiety, and has incurred both medical damages and harm to his reputation in the community. Accordingly, the total judgment amount of $185,000 should be ordered to be nondischargeable in this case and in any subsequent case filed by the Debtor under the Bankruptcy Code.

REQUEST FOR RELIEF

WHEREFORE Plaintiff, by counsel, requests as follows:

1. That this Court enter judgment in favor of Plaintiff and against the Debtor in the amount of $185,000 (One Hundred Eighty Five Thousand Dollars), as reflected by the jury award and Final Order entered in Fairfax County Circuit Court Case No.: CL12-9756;

2. That Debtor be denied a discharge in bankruptcy with regard to the Indebtedness owed to Plaintiff; and

3. For all other and further relief as this Court deems just and proper.

Respectfully submitted,
Christopher Arntzen
by Counsel

___/s/________________________________
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